

**Remarks**

This Amendment, filed pursuant to 37 C.F.R. §§1.116 & 41.33, accompanies Applicant's Appeal Brief herewith. Applicant has canceled claims 39 and 40 without prejudice or disclaimer. Applicant respectfully requests that this Amendment be entered because canceling the claims "does not affect the scope of any other pending claim in the proceeding," as required under 37 C.F.R. § 41.33(b).

Respectfully submitted,

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